

REMARKS

Claims 1-41, 61, 63, 65, 67, and 76-77 are currently pending in this application. Claims 4-7, 10, 12-14, 17-23, 28-30, 32, 35-40, 61, 63, 65, and 67 have been indicated as being allowable. Claim 41 has been withdrawn as being directed to a non-elected invention.

Claims 1 and 3 are being amended and new claims 76 and 77 are being added. Claim 1 has been amended to recite that the polymerization catalyst containing Ni and/or Pd is ligated only by a monodentate ligand. New claim 76 recites that the polymerization catalyst containing Ni is represented by the Formula (XI): $[Ln Ni (R^{ewg})_2]$ wherein N is an integer of 0, 1, or 2; L is a monodentate ligand; and R^{ewg} is an electron withdrawing ligand. Claim 3 has been amended and claim 77 has been added to recite the specific monodentate ligands.

Support for the amendments to claims 1 and 3 and the addition of new claims 76-77 can be found throughout the specification as filed, particularly at paragraphs [0088]-[0090].

No new matter has been added.

35 U.S.C. §102 Rejection

Claims 1-3, 8, 9, 11, 15, 16, 24-27, 31, 33 and 34 are rejected under 35 U.S.C. §102(b) as being anticipated by Arthur et al., U.S. Patent 6,372,869. The Examiner states that the Board of Patent Appeals and Interferences asserts that the ligands Q and S in Example (XXXXI) of Arthur et al. are monodentate ligands and thus render the claims as being anticipated. Regarding the declarations filed by Andrew Bell and Larry Rhodes, which support the argument that the structure of compound (XXXXI) in Arthur et al. is inconsistent with the description thereof and that the Q and S are both a Br atom covalently bonded to a N atom and are not monodentate ligands, the Examiner states that the such argument does not address the Board of Patent Appeals and Interferences' contention that ligands Q and S are monodentate ligands. Finally, the Examiner states that our response focuses on R146 and R149 and does not suggest why the R substituents are critical to the meaning of the Q and S ligands. For these reasons, the Examiner has maintained the rejection set forth by the Board of Patent Appeals and Interferences.

Applicants respectfully traverses the Examiner's rejection for the following reasons.

Claim 1 has been amended to recite that the polymerization catalyst containing Ni and/or Pd is ligated only by a monodentate ligand. New claim 76 recites that the polymerization catalyst containing Ni is represented by the Formula (XI): $[L_n Ni (R^{ewg})_2]$ wherein N is an integer of 0, 1, or 2; L is a monodentate ligand; and R^{ewg} is an electron withdrawing ligand. In the Formula (XXXXI) of Arthur, Q = S represents the electron withdrawing ligand R^{ewg} of the present invention. The left hand portion of the (XXXXI) structure of Arthur represents the “L” of the present invention. In Arthur, the “L” is a **bidentate** ligand whereas in the present invention, the “L” is a **monodentate** ligand. The structure of the present invention as currently claimed is not “devoid” of monodentate ligands, but *is* devoid of bidentate ligands.

Claim 1 now specifically requires that the catalyst uses only monodentate ligands and new claim 76 specifically recites that the polymerization catalyst containing Ni is represented by the formula $[L_n Ni (R^{ewg})_2]$. Dependent claims 3 and 77 specifically recite that at least one of the monodentate ligands is selected from the group consisting of toluene, benzene, mesitylene, tetrahydrofuran, dioxane, diethylether, ethylacetate, methylacetate, and propylacetate. Arthur fails to teach the specifically claimed monodentate ligands set forth in claims 3 and 77.

For the reasons set forth above, it is respectfully requested that the rejection of claims 1-3, 8, 9, 11, 15, 16, 24-27, 31, 33 and 34 under 35 U.S.C. § 102(b) be withdrawn as Arthur et al. fails to anticipate each and every feature set forth in these claims.

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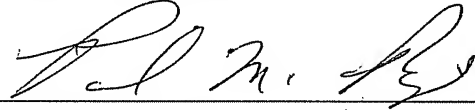
CONCLUSION

Based on the foregoing remarks and amendments to the claims, reconsideration of the rejection and allowance of claims 1-3, 8, 9, 11, 15, 16, 24-27, 31, 33, and 34, as well as new claims 76-77, is requested.

Respectfully submitted,

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